

ESTTA Tracking number: **ESTTA739098**

Filing date: **04/11/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226650
Party	Defendant Infinitelabs LLC
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Date	04/11/2016
Attachments	FINAL - ANSW 2 Opposition w Aff Def.pdf(101726 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:

Trademark Application Serial No.: 86/625,103

Perlier S.R.L.,

Opposer,

v.

Infinitelabs, LLC

Applicant.

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Opposition No.: 91226650

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION
AND AFFIRMATIVE DEFENSES**

Applicant Infinitelabs, LLC (the “Applicant” or “Infinite”), for its answer to the Notice of Opposition filed by Perlier S.R.L., a limited liability company duly organized and existing under the laws of Italy (the “Opposer”), against application for registration of the trademark, “PERLE D’OR,” Serial No. 86/625,103, filed May 11, 2015, and published in the Official Gazette of November 3, 2015 (the “Mark”), by and through its undersigned attorney, files this Answer and Affirmative Defenses in response to Opposer’s Notice of Opposition:

ANSWER

1. Admitted.
2. Admitted.
3. Applicant is without sufficient knowledge to either admit or deny the allegations of this paragraph and they are therefore denied.
4. Applicant is without sufficient knowledge to either admit or deny the allegations of this paragraph and they are therefore denied.

5. Applicant is without sufficient knowledge to either admit or deny the allegations of this paragraph and it is therefore denied.

6. Applicant is without sufficient knowledge to either admit or deny the allegations of this paragraph and they are therefore denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

AFFIRMATIVE DEFENSES

Applicant specifically denies any factual allegations and conclusions of law, if any, to which it did not specifically reply in its Answer. In addition, Applicant, by and through its undersigned attorneys and without waiving its denials and defenses, states as follows for its affirmative defenses to the Notice of Opposition:

1. Opposer fails to state a claim upon which relief can be granted.

2. Applicant's Mark is unique and distinctive, and the wording in Applicant's mark and Opposer's mark are different.

3. Applicant's Mark and Opposer's mark are different in appearance.

4. Applicants' Mark and Opposer's mark are different in spelling.

5. Applicants' Mark and Opposer's mark create different commercial impressions.

6. Applicant's Mark contains word(s) not present in Opposer's mark.

7. “PERLE” is registered in trademarks for related goods and services not owned by Opposer.
8. “PERLE” is used in commerce by third parties as part of trademarks for related goods and services not owned by Opposer.
9. “PERLE” is registered in trademarks for goods and services not owned by Opposer.
10. “PERLE” is used in commerce by third parties as part of trademarks for goods and services not owned by Opposer.
11. Opposer’s claims are barred by the doctrines of laches, acquiescence and/or estoppel.
12. Opposer’s claims are barred because there is no likelihood of confusion, mistake or deception.
13. Applicant’s mark and Opposer’s mark are not likely to disparage or falsely suggest a trade connection between Opposer and Applicant.

RESERVATION OF RIGHTS

Defendant reserves the right to assert any and all additional defenses as may be determined necessary during the course of discovery.

WHEREFORE, Applicant prays that this opposition be dismissed and that its application for the mark, “PERLE D’OR” be granted.

Respectfully,

/s/Shyamie Dixit

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by email to
the following persons on this April 11, 2016:

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